

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

DAVID NYY, Individually and On Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

TELEFONAKTIEBOLAGET LM  
ERICSSON, BÖRJE EKHOLM, and CARL  
MELLANDER,

Defendants.

No. 1:22-cv-1167-WFK-LB

Judge William F. Kuntz, II

CLASS ACTION

ORAL ARGUMENT REQUESTED

**NOTICE THAT THE MOTION OF BOSTON RETIREMENT SYSTEM FOR  
APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF  
SELECTION OF LEAD COUNSEL IS UNOPPOSED**

On May 2, 2022, proposed Lead Plaintiff Boston Retirement System (“Boston”) moved this Court pursuant to the PSLRA, 15 U.S.C. § 78u-4 *et seq.*, for appointment as Lead Plaintiff and approval of selection of Labaton Sucharow LLP as Lead Counsel for the Class (the “Motion”).<sup>1</sup> *See* ECF No. 15. On the same day, five other putative Class members filed similar motions for lead plaintiff appointment. *See* ECF Nos. 12, 16, 18, 20, 21. Following the filing of Boston’s Motion and review of the respective motions and supporting papers, all other movants have either filed a notice of non-opposition or withdrawn their motion. *See* ECF Nos. 24-28.

Boston’s Motion for appointment as Lead Plaintiff and approval of selection of counsel is, therefore, effectively unopposed. Boston—a sophisticated institutional investor with an experienced track record for recovering substantial sums of money in PSLRA class actions—incurred significant losses of **\$1,385,782.09** on its Class Period transactions in Ericsson securities and otherwise meets all the requirements of Rule 23. As the only remaining Lead Plaintiff movant claiming the largest financial interest while also satisfying the preliminary showing of typicality and adequacy under Rule 23, Boston is therefore the presumed “most adequate plaintiff.” 15 U.S.C. § 78u-4(a)(3)(B). Further, because Boston’s Motion is unopposed, the presumption of “most adequate plaintiff” is un rebutted, thereby entitling Boston to appointment as Lead Plaintiff under the PSLRA. *Id.*; *see also Faig v. Bioscrip, Inc.*, No. 13 Civ. 06922 (AJN), 2013 WL 6705045, at \*2 (S.D.N.Y. Dec. 19, 2013) (finding the movant with the largest financial interest to be the presumptive “most adequate plaintiff”).

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<sup>1</sup> Unless otherwise noted, all defined terms and abbreviations remain unchanged from those in Boston’s Motion and supporting papers. *See* ECF No. 15.

WHEREFORE, Boston respectfully requests that the Court: (1) appoint Boston as Lead Plaintiff; (2) approve the selection of Labaton Sucharow LLP as Lead Counsel for the Class; and (3) grant such other and further relief as the Court may deem just and proper.

DATED: May 16, 2022

Respectfully submitted,

/s/ Francis P. McConville

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